

OFFICIAL COPY

Fresno, California

August 29, 2000

The City Council met in regular session at the hour of 9:10 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager  
Hilda Cantu Montoy, City Attorney  
Rebecca Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Doug Marsh gave the invocation.

Acting President Bredefeld led the Pledge of Allegiance to the Flag.

PROCLAMATION OF “NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH”

PROCLAMATION OF “SELECTIVE SERVICE REGISTRATION AWARENESS MONTH”

(*ADD-ON*) RESOLUTION OF COMMENDATION TO LORI KENDRICK, DISTRICT 2 COUNCIL ASSISTANT  
- COUNCILMEMBER MATHYS

The above proclamations and resolution were read and presented.

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**APPROVE MINUTES:**

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the minutes of August 22, 2000, approved as submitted.

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**APPROVE AGENDA:**

**(9:30 A.M.)** HEARING ON PLAN AMENDMENT NO. A-00-04 (ONE ACRE), REZONING APPLICATION NO. R-00-06 (11 ACRES), AND ENVIRONMENTAL ASSESSMENT NO. A-00-04, R-00-06, C-00-66, FILED BY BURGESS SMITH DEVELOPMENT CORP., FOR A CHILD CARE FACILITY AND NEIGHBORHOOD SHOPPING CENTER LOCATED ON THE SOUTHWEST CORNER OF N. CHESTNUT AND E. SHEPHERD **(REQUEST TO CONTINUE TO 4:00 P.M.)**

President Boyajian clarified Acting President Bredefeld was requesting the hearing be continued to 5:30 p.m. for citizen convenience and he was recommending 4:00 p.m. Discussed again later.

**(3E) \*BILL** - EMERGENCY ORDINANCE FOR INTRODUCTION AND ADOPTION ADDING SECTION 8-205 TO ARTICLE 2 OF CHAPTER 8 OF THE FRESNO MUNICIPAL CODE RELATING TO PREVENTING PUBLIC NUDITY

Set for 2:00 p.m. at the direction of President Boyajian.

**(1A-6) CONSIDER REINSTALLATION OF PARKING METERS**

- 1. \* RESOLUTION** - 6<sup>TH</sup> AMENDMENT TO PAR 00-184 ADDING 2 POSITIONS TO REINSTALL PARKING METERS AND PROVIDE ON-GOING COLLECTION AND MAINTENANCE OF THE METERS
- 2. RESOLUTION** - ADOPTION OF SOLE SOURCE
- 3. \* RESOLUTION** - 33<sup>RD</sup> AMENDMENT TO AAR 00-183 APPROPRIATING \$25,000 TO COMPLETE FUNDING FOR THE REINSTALLATION OF PARKING METERS DOWNTOWN

City Clerk Klisch advised Resolution No. 2, Adoption of Sole Source, was being removed from the agenda at the direction of staff. So noted.

**(9:30 A.M.)** HEARING ON PLAN AMENDMENT NO. A-00-04 (ONE ACRE), REZONING APPLICATION NO. R-00-06 (11 ACRES), AND ENVIRONMENTAL ASSESSMENT NO. A-00-04, R-00-06, C-00-66, FILED BY BURGESS SMITH DEVELOPMENT CORP., FOR A CHILD CARE FACILITY AND NEIGHBORHOOD SHOPPING CENTER LOCATED ON THE SOUTHWEST CORNER OF N. CHESTNUT AND E. SHEPHERD **(REQUEST TO CONTINUE TO 4:00 P.M. or 5:30 P.M.)**

Acting President Bredefeld made a motion to continue the hearing to 5:30 p.m. this date for citizens unable to appear in the morning. Councilmember Mathys stated the hearing had been noticed for 9:30 a.m. for a long time and there had been plenty of time for public input and made a motion to hear the matter at 9:30 a.m. as scheduled. Upon question of Councilmember Steitz, City Clerk Klisch confirmed the hearing had been noticed and carried on the agenda hearing schedule for over three weeks.

On motion of Councilmember Mathys, seconded by Councilmember Steitz, duly carried, RESOLVED, the hearing on Plan Amendment A-00-04/R-00-06/C-00-66, filed by Burgess Smith, to be heard at 9:30 a.m. as scheduled, by the following vote:

Ayes	:	Mathys, Quintero, Ronquillo, Steitz
Noes	:	Bredefeld, Perea, Boyajian
Absent	:	None

**(11:00 A.M. #1) HEARING ON REZONING APPLICATION NO. R-00-011 AND ENVIRONMENTAL FINDINGS, FILED BY RICHARD C. GINDER, JR./W.G. ENTERPRISES, PROPERTY LOCATED AT 6875 N. MILBURN AVENUE (REQUEST TO CONTINUE TO OCTOBER 10, 2000, PENDING AIRPORT LAND USE COMMISSION ACTION)**

Continued to October 17, 2000. (Council not meeting on October 10th.)

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1A-2) \* RESOLUTION NO. 2000-245 - 3<sup>RD</sup> AMENDMENT TO AAR 00-183 APPROPRIATING \$5,000 FOR THE PURCHASE OF ONE BOMBARDIER NV ELECTRIC POWERED VEHICLE FOR THE POLICE DEPARTMENT**

**(1A-3) (REMOVED FROM THE AGENDA)**

**(1A-4) RESOLUTION NO. 2000-246 - DEDICATING CERTAIN CITY-OWNED PROPERTY ON THE NORTH SIDE OF AIRWAYS BOULEVARD WEST OF CLOVIS AVENUE FOR PUBLIC WATER MAIN PURPOSES**

**(1A-5) APPROVE THE PURCHASE OF LAND AT 3187 W. BELMONT AVENUE FOR THE STREET MAINTENANCE YARD WHICH IS CATEGORICALLY EXEMPT, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE ALL SALE DOCUMENTS UPON THE COMPLETION OF THE CONDITIONAL USE PERMIT AND ASSOCIATED CEQA CATEGORICAL EXEMPTION**

**(1A-7) \* RESOLUTION NO. 2000-247 - 31<sup>ST</sup> AMENDMENT TO AAR 00-183 ADJUSTING REVENUES AND APPROPRIATIONS IN THE AMOUNT OF \$1,097,100 TO PROVIDE FOR THE COMPLETION OF CAPITAL IMPROVEMENTS THAT HAVE BEEN PREVIOUSLY APPROVED (FUNDING THE FY 01 REBUDGET RESOLUTION FOR THE CAPITAL IMPROVEMENTS PROGRAM)**

**(1A-8) APPROVE EXTENSION OF THE LICENSE AGREEMENT WITH THE SAN JOAQUIN RIVER PARKWAY AND CONSERVATION TRUST FOR A THREE (3) YEAR TERM, BEGINNING JANUARY 1, 2000, WITH TWO ADDITIONAL ONE (1) YEAR PERIODS, TO ALLOW THE TRUST TO ENTER ONTO CITY PREMISES AND EFFECT CONSTRUCTION OF MULTI-PURPOSE TRAILS OR THE RESTORATION OF ENVIRONMENTALLY SENSITIVE AREAS; AND AUTHORIZE THE PARKS, RECREATION AND COMMUNITY SERVICES DIRECTOR OR HIS DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY**

**(1A-9) RESOLUTION NO. 2000-248** - APPROVING THE REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY ASSISTED CONTRACTS PURSUANT TO RECOMMENDATIONS OF THE FEDERAL AVIATION ADMINISTRATION (FAA) AND IN COMPLIANCE WITH 49 CFR, PART 26; ESTABLISHING THE FY 00-01 OVERALL DBE PROGRAM GOAL OF 10% PARTICIPATION FOR DOT-ASSISTED PROJECTS FOR 2000-2001; AND RESCINDING RESOLUTION NO. 99-259

**(1A-10) \* RESOLUTION NO. 2000-249** - 35<sup>TH</sup> AMENDMENT TO AAR 2000-183 INCREASING VARIOUS COUNCIL DISTRICT INFRASTRUCTURE AND CAPITAL FUNDS BASED ON UNEXPENDED BALANCES IN FY 2000 COUNCIL DISTRICT INFRASTRUCTURE BUDGETS (INCLUDING THE \$50,000 FOR ARTE AMERICAS AND \$20,000 FOR CHINATOWN PLAYLAND PROJECTS)

**(1A-11)** APPROVE AGREEMENT WITH CONVERGENT GROUP TO PREPARE A STRATEGIC PLAN FOR THE EFFECTIVE UTILIZATION OF THE CITY'S GEOGRAPHICAL INFORMATION SYSTEMS (GIS) TO IMPROVE SERVICES, PUBLIC SAFETY AND ECONOMIC DEVELOPMENT OPPORTUNITIES; AND AUTHORIZE THE DIRECTOR OF INFORMATION SERVICES TO EXECUTE THE AGREEMENT

On motion of Councilmember Steitz, seconded by President Boyajian, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(9:30 A.M.)** HEARING ON PLAN AMENDMENT NO. A-00-04 (ONE ACRE), REZONING APPLICATION NO. R-00-06 (11 ACRES), AND ENVIRONMENTAL ASSESSMENT NO. A-00-04, R-00-06, C-00-66, FILED BY BURGESS SMITH DEVELOPMENT CORP., FOR A CHILD CARE FACILITY AND NEIGHBORHOOD SHOPPING CENTER LOCATED ON THE SOUTHWEST CORNER OF N. CHESTNUT AND E. SHEPHERD AVENUES

**1.** CONSIDER ENVIRONMENTAL ASSESSMENT/MITIGATED NEGATIVE DECLARATION NO. A-00-04, R-00-06, C-00-66 DATED JUNE 12, 2000

**2. RESOLUTION NO. 2000-250** - AMENDING THE WOODWARD PARK COMMUNITY (APPROVING PLAN AMENDMENT NO. A-00-04)

**3. BILL NO. B-59 - ORDINANCE NO. 2000-60** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FORM AL-20 (COUNTY) TO C-1/UGM AND C-P/UGM

President Boyajian announced the time had arrived to consider the issue and opened the hearing. Planner Unruh reviewed the issue as contained in the staff report and recommended approval.

Speaking to the issue were: Marvin Smith, Applicant, who spoke in support of the project and commended staff; and Barbara Hunt, 944 "F" Street.

Upon call, no one else wished to be heard and President Boyajian closed the public testimony portion of the hearing.

Mr. Unruh, Mike Emmert, representing Albertson's, Mr. Burgess, Applicant, and Development Director Yovino responded to questions of Acting President Bredefeld relative to hours of operation for Albertson's, the convenience store and the gas station, landscaping issues raised by Christine Edmonson, signs, architecture, how the project differed from the Cedar-Nees project, if the subject property had been designated for a shopping center all along, and support of the Woodward Park Homeowners Association and The Dominion (2 - 0). Acting President Bredefeld spoke in support of the project stating it would meet the needs of the area and made a motion to approve staff's recommendation, which was seconded and acted upon after additional discussion.

Councilmember Mathys questioned if and how the supermarket and convenience store projects could be bifurcated, with Mr. Yovino responding, whereupon Councilmember Mathys made a motion to approve the supermarket this date and the convenience store at a later date.

Mr. Unruh and Senior Traffic Engineering Technician Madewell responded to questions of Councilmembers Perea and Ronquillo and President Boyajian relative to the nearest existing supermarket, if other nearby parcels were designated for supermarkets, if a market study was conducted, where Ralph's Supermarket was being proposed, how long the property had been designated for a commercial shopping center, if Shepherd Avenue would be widened, if traffic signals would be installed, plans for ponding basin water pumps and utility lines, and how the project would enhance the Sugar Pine Trail.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-00-04, R-00-06, C-00-66 dated June 12, 2000, hereby approved; the above entitled Resolution No. 2000-250 approving Plan Amendment No. A-00-04 hereby adopted; and the above entitled Bill No. B-59 rezoning the subject property adopted as Ordinance No. 2000-60 subject to the mitigation measures identified by the initial study for Environmental Assessment No. A-00-04, R-00-06, C-00-66, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz
Noes	:	Boyajian
Absent	:	None

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**(10:00 A.M.) HEARING RELATING TO FRESNO CITY HALL REFINANCING**

**1. RESOLUTION NO. 2000-251 - MAKING FINDINGS WITH RESPECT TO AND APPROVING THE ISSUANCE AND SALE BY THE FRESNO JOINT POWERS FINANCING AUTHORITY OF ITS REFUNDING LEASE REVENUE BONDS, SERIES 2000 (FRESNO CITY HALL); AUTHORIZING THE EXECUTION AND DELIVERY OF A SITE LEASE, A LEASE AGREEMENT, A TERMINATION AGREEMENT, A PRELIMINARY OFFICIAL STATEMENT, AN ESCROW AGREEMENT, A CONTINUING DISCLOSURE CERTIFICATE, AND A PURCHASE CONTRACT IN CONNECTION THEREWITH; AND AUTHORIZING CERTAIN OTHER RELATED MATTERS**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke to the issue.

Upon request, Assistant Controller Carlton explained the reason for the refinancing and along with Interim City Manager Souza responded to questions of Councilmembers Perea and Mathys relative to annual and overall savings to the City's general fund, process to direct those savings to the new reserve account just established, and interest rates.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-251 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(10:15 A.M.) PRESENTATION BY PACIFIC BELL OF A CHECK TO THE CITY FOR THE PARK PITCH - PRESIDENT BOYAJIAN**

Cheryl Lanning, representing Pacific Bell, presented an \$11,000 check to Parks and Recreation Director Primavera and a huge San Francisco Giant's baseball card to President Boyajian containing signatures of S.F. Giants who participated in the Park Pitch road trip. Council commended and thanked Pacific Bell.

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**(10:20 A.M.) APPEARANCE BY BOB BROWN, VETERANS STAND DOWN, TO DISCUSS CONCERNS OF HOMELESS VETERANS AND TO REQUEST FUNDING ASSISTANCE FOR A SHELTER FOR HOMELESS VETERANS DURING THE WINTER - COUNCILMEMBER QUINTERO**

Appearance made with Mr. Brown requesting the City assist with Emergency Shelter Grant (EMS) funds. Discussion ensued and Mr. Brown and HNR staff clarified issues and responded to Council questions relative to existing shelters/facilities, the claim that ESG funds were not being used for emergency housing, the Consolidated Plan and if Mr. Brown had applied for various program funds, if Mr. Brown had talked with Fresno County and City staff, existing transitional housing, various programs and their regulations, and funding available from a Homeless Coalition. Staff was requested to meet with Mr. Brown on the process for applying for various grant funds.

Barbara Hunt, 944 "F" Street, spoke in support of the issue **(3 - 0)**. There was no further discussion.

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**(10:30 A.M.) CONTINUED HEARING ON COMMUNITY FACILITIES DISTRICT (CFD) NO. 2, ANNEXATION NO. 23 - TRACT NO. 4931**

- 1. RESOLUTION NO. 2000-252 - ANNEXING TERRITORY TO CFD NO. 2 AND AUTHORIZING THE LEVY OF A SPECIAL TAX**
- 2. RESOLUTION NO. 2000-253 - CALLING A SPECIAL MAILED-BALLOT ELECTION**
- 3. RESOLUTION NO. 2000-254 - DECLARING ELECTION RESULTS**

**4. \* BILL NO. B-60 - ORDINANCE NO. 2000-61 - LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2001-202 AND FUTURE TAX YEARS WITHIN AND RELATING TO CFD NO. 2, ANNEXATION NO. 23, CITY OF FRESNO, CALIFORNIA**

**5. RESOLUTION NO. 2000-255- APPROVING FINAL MAP OF TRACT NO. 4931, PHASE I OF VESTING TENTATIVE MAP NO. 4931 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE NORTH SIDE OF E. NEES BETWEEN N. FIRST AND N. MILLBROOK AVENUES**

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion and second was made to approve staff's recommendation.

Barbara Hunt, 944 "F" Street, spoke in opposition. Councilmember Ronquillo briefly left the dais at 10:53 a.m.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-252, 2000-253, and 2000-254 hereby adopted; the above entitled Bill No. B-60 adopted as Ordinance No. 2000-61; and the above entitled Resolution No. 2000-255 hereby adopted, the Public Works Director authorized to execute the Subdivision Agreement and Statement of Covenant for Landscape Maintenance, and the Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, UGM Fees and Development Fees to the Time of Issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development for the Planting and Maintenance of Front Yard Trees, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Steitz, Boyajian
Noes	:	Mathys
Absent	:	Ronquillo

Councilmember Ronquillo returned to the meeting at 10:55 a.m.

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**(10:45 A.M.) CONTESTED CONSENT CALENDAR:**

**(1A-1) AWARD A CONTRACT FOR EXTERIOR BUS ADVERTISING SERVICES**

Upon request of Acting President Bredefeld, Transit Manager Rudd explained Vista Media Group's proposal and responded to questions relative to the company's experience and how the company would generate revenue for the City. Acting President Bredefeld stated his support and made a motion to approve staff's recommendation, which was seconded and acted upon after additional brief discussion.

Councilmember Ronquillo expressed his support stating it was a great idea, questioned why staff was not supportive of the issue when Council brought it up a few years ago, and stated when Council supported something staff should pursue it and explained. Councilmember Perea thanked staff for their efforts but stated he could not support the issue as he felt it was visual blight. Mr. Rudd and City Attorney Montoy responded to questions of Councilmember Steitz relative to staff's authority over types of advertising, and Councilmember Mathys stated his support and commended staff for their efforts and creativity.

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, a three-year contract for exterior bus advertising services, with provisions for two (2) additional one-year extensions, for Option III hereby awarded to Vista Media Group, Inc., of La Mirada, California, by the following vote:

Ayes	:	Bredefeld, Mathys, Ronquillo, Steitz, Boyajian
Noes	:	Perea, Quintero
Absent	:	None

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**(1A-6) REINSTALLATION OF PARKING METERS**

**1. \* RESOLUTION NO. 2000-256 - 6<sup>TH</sup> AMENDMENT TO PAR 00-184 ADDING 2 POSITIONS TO REINSTALL PARKING METERS AND PROVIDE ON-GOING COLLECTION AND MAINTENANCE OF THE METERS**

**2. \* RESOLUTION NO. 2000-257 - 33<sup>RD</sup> AMENDMENT TO AAR 00-183 APPROPRIATING \$25,000 TO COMPLETE FUNDING FOR THE REINSTALLATION OF PARKING METERS DOWNTOWN**

Councilmembers Mathys and Steitz expressed their opposition stating no other shopping area in the city had parking meters and they were an economic detriment and another roadblock to downtown revitalization. Acting President Bredefeld and Councilmember Ronquillo spoke in support stating the reason people did not come downtown was because downtown lacked amenities, not because of the meters, and it was time to right a past irresponsible decision, with Councilmember Ronquillo adding the removal was politically popular for some at the time but not fiscally sound and explained.

Discussion ensued on meter revenues staying in the downtown area and/or going towards construction of needed parking structures, with Traffic Engineer Padilla responding to questions. Upon question of Councilmember Perea, Councilmember Steitz stated he would support the reinstallation if the revenues were specifically earmarked for parking structures, whereupon Councilmember Ronquillo made a motion to approve staff's recommendation with revenues going to the improvement of downtown's parking environment. Upon question of Councilmember Steitz, Acting President Bredefeld stated the issue of revenues going to the stadium was not in the deal points with City Attorney Montoy clarifying there was no requirement to give those revenues to the Diamond Group and the City would retain all parking revenues. President Boyajian stated the removal of meters did nothing for downtown as he worked downtown for over twenty-five years and stated he wanted to see the revenues used to enhance the entire downtown area and not just parking.

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution Nos. 2000-256 and 2000-257 hereby adopted, and staff directed to earmark meter revenues towards the improvement of downtown's parking environment, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	Mathys
Absent	:	None

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**(11:00 A.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW T. SOUZA - EMPLOYEE ORGANIZATION: AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027**



**(B) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION: CLAIM OF DEBRA DOWDY**

**(C) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a) - CASE NAME: CLAYTON TURNER V. CITY OF FRESNO**

The Council met in closed session in Room 2125 at the hour of 11:25 a.m. to consider the above issues, recessed for lunch thereafter, and reconvened in regular open session at 2:21 p.m.

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**(3E) (2:00 P.M.) EMERGENCY ORDINANCE FOR INTRODUCTION AND ADOPTION  
\* BILL NO. B-61 - ORDINANCE NO. 2000-62 - ADDING SECTION 8-205 TO ARTICLE 2, CHAPTER 8, OF THE FRESNO MUNICIPAL CODE RELATING TO PREVENTING PUBLIC NUDITY, AS AMENDED**

City Attorney Montoy, Police Chief Winchester, Acting Southwest Capt. Maroney and Officer Singh reviewed the issue, the proposed ordinance and legalities relative to the opening of The Emperor's Club, current lack of a City ordinance dealing with nudity, the adult business opening and its secondary effects on the neighboring area, the SOAP (Stay Out of Areas of Prostitution) area, and police efforts over the years to make the area around Parkway Drive safe for the citizens who live in the area, with Officer Singh also displaying maps and charts depicting the SOAP area, sex registrants in the area, and statistics relative to prostitution calls for service on N. Parkway, assaults and robberies, and City Lights calls for service compared to bars/clubs who do not offer adult entertainment.

Speaking in support of the ordinance and in opposition to The Emperor's Club opening were: Jag Patel, Manager, Ramada, 1804 W. Olive @ Freeway 99; Charles Ruyle, 969 N. Dolores; Eva Martinez, 818 N Dolores, and Mrs. Martinez' daughter.

Councilmember Mathys stated his support for the ordinance and extensive discussion ensued with Ms. Montoy and Police Legal Advisor Donaldson clarifying issues and responding to questions and concerns of Councilmembers Mathys, Perea and Steitz relative to staff's confidence in the ordinance, meaning of secondary effects and what they would cover, reason for requesting an emergency ordinance, when plans for The Emperor's Club first came to the police department's attention, need to target and focus on the club only, the proposed ordinance being too broad, how the department would deal with certain incidents relative to nudity and rights, removing the provision relative to breast-feeding infants under two years of age, if other cities had nudity ordinances, if any ordinances had been challenged constitutionally, legalities relative to the club and why it could not be enforced under adult uses, ability of any business to offer nudity of some kind and easily open, the ordinance not applying to children under thirteen years of age, homes and privacy and rights issues, and if Fresno County had a nudity ordinance. Councilmember Steitz stated his support for the ordinance if it was amended to increase the age for breast-feeding to five years and under adding there would still be some concerns relative to homes and privacy issues and children under thirteen years of age.

Discussion continued with Chief Winchester and Ms. Montoy clarifying issues and responding to questions of Acting President Bredefeld relative to definition of minors, difference between City Lights and The Emperor's Club, how the club was able to exploit a loop hole by being a juice-bar, need for zoning in industrial areas for all adult businesses to locate in those areas, if there was any legal way to stop the club from opening (**5 - 0**), and giving staff direction to explore specific zoning and areas for adult businesses.

Acting President Bredefeld and Councilmember Ronquillo stated their support for the ordinance and Councilmember Ronquillo made a motion to adopt it with the amendment to increase the age for breast-feeding to five years and under, which was seconded and acted upon after additional discussion.

Councilmember Perea questioned if the ordinance could be adopted without finding #4, with Ms. Montoy recommending the ordinance be adopted as presented as her office would continue to work with the police department to refine the ordinance. Brief discussion ensued and Ms. Montoy, Chief Winchester and Mr. Donaldson responded to questions and clarified issues relative to bringing back an ordinance with findings that secondary affects would be subject to a conditional use permit, what would happen now with the club and the new ordinance, and definition of homes relative to nudity and privacy.

On motion of Councilmember Ronquillo, seconded by Councilmember Mathys, duly carried, RESOLVED, the above entitled Bill No, B-61 adopted as Ordinance No. 2000-62, as amended, by increasing the age for breast-feeding to five years of age and under, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5A) \* RESOLUTION NO. 2000-258 - 34<sup>TH</sup> AMENDMENT TO AAR 2000-183 APPROPRIATING \$500 FROM DISTRICT 6'S AND \$500 FROM DISTRICT 3'S GENERAL FUND INFRASTRUCTURE BUDGETS TO FUND THE FIREFIGHTERS CHILI COOK-OFF BENEFITTING THE COMMUNITY REGIONAL BURN CENTER - ACTING PRESIDENT BREDEFELD AND COUNCILMEMBER RONQUILLO**

On motion of Councilmember Ronquillo, seconded by Acting President Bredefeld, duly carried, RESOLVED, the above entitled Resolution No. 2000-258 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5B) DIRECT THE CITY ATTORNEY TO WORK WITH THE HEALTH AND WELFARE TRUST'S LEGAL COUNSEL AND RETURN WITH RESOLUTION AUTHORIZING TEMPORARY EMPLOYEES TO PURCHASE CITY OF FRESNO HEALTH AND WELFARE TRUST INSURANCE PURSUANT TO AUTOMATIC PAYROLL DEDUCTION - COUNCILMEMBER PEREA AND ACTING PRESIDENT BREDEFELD**

A motion and second was made to approve direction. Upon question of President Boyajian, City Attorney Montoy clarified previous direction was for Council Assistants only and the subject request was for all temporary employees.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Attorney directed to work with the Health and Welfare Trust's legal counsel and return with resolution authorizing temporary employees to purchase City of Fresno Health and Welfare Trust insurance pursuant to automatic payroll deduction, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5C) DIRECT STAFF AND THE CITY ATTORNEY’S OFFICE TO MONITOR COG AND CITY OF CLOVIS PROCEEDINGS REGARDING POSSIBLE HERNDON AVENUE CURB CUTS, AND AUTHORIZE STAFF TO SEND APPROPRIATE LETTERS, SUBJECT TO CITY ATTORNEY REVIEW, EXPRESSING CONCERNS OVER THE LAND USE AND ENVIRONMENTAL IMPACTS OF PROCEEDING WITH THE EXCEPTIONS - COUNCILMEMBER PEREA**

Councilmember Perea reviewed the issue, made a motion to approve direction, and upon question of President Boyajian explained his proposed direction stating the Herndon Avenue expressway was being watered down and the City’s rights needed to be preserved. Brief discussion ensued and Development Director Yovino and Councilmember Steitz responded to questions and clarified issues relative to staff monitoring the matter even without direction and COG being on record in support of what Councilmember Perea was trying to do. Councilmember Steitz stated he would work with Councilmember Perea on a resolution expressing Council’s concerns to present to COG at their September meeting adding the real issue was Herndon Avenue being a mess until the East-West Corridor was constructed.

On motion of Councilmember Perea, seconded by Acting President Bredefeld, duly carried, **RESOLVED**, staff and the City Attorney’s office directed to: (1) monitor COG and the City of Clovis’ proceedings regarding possible Herndon Avenue curb cuts, and (2) send appropriate letters, subject to City Attorney review, expressing the City’s concerns over the land use and environmental impacts of proceeding with the exceptions, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(5D) DIRECT THE COUNCIL PRESIDENT, WORKING THROUGH HIS EXECUTIVE ASSISTANT, TO DEVELOP THE FOLLOWING AND REPORT BACK AT THE NEXT REGULARLY SCHEDULED COUNCIL MEETING - PRESIDENT BOYAJIAN:**

1. SCOPE OF WORK FOR RETAINING A FINANCIAL CONSULTANT/AUDITOR TO CONDUCT A STRATEGIC FINANCIAL EVALUATION OF THE CITY BUDGET AND FINANCES;
2. A REQUEST FOR QUALIFICATIONS (RFQ) TO SOLICIT FIRMS PROVIDING SUCH SERVICES INCLUDING NAMES OF FIRMS THAT CAN PERFORM SUCH DUTIES; AND
3. IDENTIFICATION OF SOURCES OF FUNDS TO PAY FOR THE ANALYSIS

Reviewed by President Boyajian who stated some Councilmembers were concerned with the financial future of the City and felt an independent auditor was needed to determine how the City was doing and if it was solvent; stated Council was not getting information on dollars coming into the City and it was hard to prepare a budget; and stressed it was imperative that Council, as elected officials, get involved in the process adding the administration should work with Council and vice versa.

Interim City Manager Souza responded to questions of Councilmember Steitz relative to how long he had been the Controller, how many independent audits the City had undergone, if the City was required by Charter to have independent audits, if audits were performed by the City Manager or staff, how auditors were selected and who approved them, cost for audits, who approved the City's investment policy and adopted the City budget, if the City was in a financial crisis as alluded to, and if the City was solvent. Councilmember Steitz expressed his concern stating the direction was a waste of time and taxpayer money since independent audits were conducted annually as required, stated comments made that the City was in a financial crisis did a disservice to the community, and clarified Council received cash flow statements on a monthly basis.

Mr. Souza clarified issues relative to the City's current multi-year agreement with the auditor and commented on the proposed direction and cost stating it might be redundant and explained. City Attorney Montoy, Budget Manager Bruney and Assistant Controller Carlton responded to questions of Councilmember Perea relative to Charter Section 1216, what would have happened if the pension bonds had not been refinanced to balance this year's budget, and if staff was going to follow Council direction relative to redefining type of information Council received and augmenting the scope of work for conducting an audit.

**(6 - 0)** Councilmember Ronquillo and Acting President Bredefeld spoke in support of the motion with Councilmember Ronquillo stating he was willing to pay more to get accurate information and facts to move the City forward, and Acting President Bredefeld stating it was clear Council felt they were not getting all the information. Councilmember Steitz reiterated his concern with the proposal stating it would encourage conflicts, urged Council to simply talk with staff, stressed it was dangerous to plan on projections, and presented questions relative to staff's ability to supply information Council was requesting, with Mr. Carlton responding. President Boyajian stated Council did not have an open door policy with the administration and stressed checks and balances were needed, adding this was a democracy and not a dictatorship.

On motion of President Boyajian, seconded by Acting President Bredefeld, duly carried, RESOLVED, the Council President, working through his Executive Assistant, directed to develop the following and report back at the next regularly scheduled council meeting: (1) Scope of work for retaining a financial consultant/auditor to conduct a strategic financial evaluation of the City budget and finances; (2) A Request for Qualifications (RFQ) to solicit firms providing such services including names of firms that can perform such duties; and (3) Identification of sources of funds to pay for the analysis, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Steitz
Absent	:	None

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#### **(5E) DISCUSSION AND DIRECTION REGARDING PROCEDURE FOR NAMING OR RENAMING CITY FACILITIES - COUNCILMEMBER PEREA AND ACTING PRESIDENT BREDEFELD**

Acting President Bredefeld stated he was concerned with the direction Council was moving into relative to naming parks, stressed with the new parks there was potential for abuse and criteria was needed, questioned if there was set criteria (with Interim City Manager Carlton clarifying the current process and advising staff could look at other cities and report back), and recommended Council hold off on naming any park until criteria was in place.

Councilmember Ronquillo stated the Clinton/Brawley needed to be named and clarified the ultimate decision would be made by a Council majority no matter what the process was and explained. Councilmembers Steitz and Mathys stated a procedure and administrative order was currently in place with Councilmember Steitz adding if any member disagreed with a proposed name they could simply vote “no”. Acting President Bredefeld emphasized city parks should not be named for political reasons with Councilmember Perea concurring and stating some type of criteria needed to be established. Mr. Souza clarified the administrative order was simply procedural and reiterated staff would look into the issue and supplement the administrative order with criteria. Upon question of President Boyajian, City Attorney Montoy clarified the issue coming up September 19<sup>th</sup> was only a request to set a public hearing to consider the naming of a park at Herndon and Forkner. No action was required and there was no further discussion.

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**(3A) APPROVE APPOINTMENT OF DONALD H. BURSON TO THE MOBILE HOME RENT REVIEW COMMISSION - MAYOR PATTERSON**

On motion of Acting President Bredefeld, seconded by Councilmember Steitz, duly carried, RESOLVED, Donald Burson appointed to the Mobile Home Rent Review Commission, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(3B) APPROVE APPOINTMENT OF RICHARD B. JORDAN TO THE FRESNO MOSQUITO AND VECTOR CONTROL DISTRICT - MAYOR PATTERSON**

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, Richard Jordan appointed to the Mosquito and Vector Control District, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(3C) \* BILL NO. B-57 - ORDINANCE NO. 2000-63 - AMENDING SUBSECTION (a) OF SECTION 8-1206 OF THE FRESNO MUNICIPAL CODE RELATING TO THE MOBILE HOME RENT REVIEW COMMISSION (INCREASING THE NUMBER OF ALTERNATE MEMBERS REPRESENTING PARK RESIDENTS FROM ONE TO TWO)**

On motion of Councilmember Ronquillo, seconded by Councilmember Steitz, duly carried, RESOLVED, the above entitled Bill No. B-57 adopted as Ordinance No. 2000-63, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**(3D) APPROVE APPOINTMENT OF INTERIM CONTROLLER**

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, Assistant Treasurer Randall Carlton hereby appointed Interim Controller through January 1, 2001, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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**REQUEST TO RECONVENE IN CLOSED SESSION - COUNCILMEMBER STEITZ**

On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, Council to reconvene in closed session to reconsider an earlier vote relative to **Item 11:00 A.M. "A"**, Amalgamated Transit Union (ATU) Local 1027, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Steitz
Noes	:	Quintero, Ronquillo, Boyajian
Absent	:	None

**(11:00 A.M. #2) CLOSED SESSION:**

**(A) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - CITY NEGOTIATORS: JORGE AGUINIGA AND ANDREW T. SOUZA - EMPLOYEE ORGANIZATION: AMALGAMATED TRANSIT UNION (ATU) LOCAL 1027**

The Council reconvened in closed session in Room 2125 at the hour of 4:35 p.m. to consider the above issue and adjourned thereafter.

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**ADJOURNMENT**

There being no further business to bring before the Council, the hour of 4:45 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 19th day of September, 2000.

_____ Tom Boyajian, Council President		ATTEST: _____ Yolanda Salazar, Assistant City Clerk
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